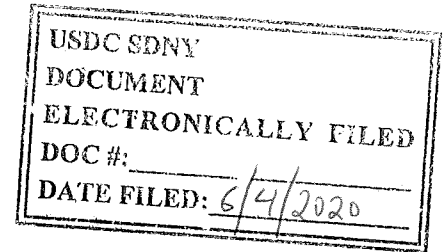


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA,

v.

ANGEL LUIS DIAZ,

Defendant.  
-----X**ORDER**

14 CR 288 (VB)

On June 3, 2020, defendant Angel Luis Diaz filed a motion for "compassionate release" pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). That statute contains an explicit exhaustion requirement:

[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that . . . extraordinary and compelling reasons warrant such a reduction.

18 U.S.C. § 3582(c)(1)(A).

Defendant concedes he did not fully exhaust his administrative remedies under Section 3582 prior to filing the instant motion. The Court does not have the power to waive that requirement. See, e.g., United States v. Ogarro, 2020 WL 1876300, at \*3–5 (S.D.N.Y. Apr. 14, 2020); United States v. Roberts, 2020 WL 1700032, at \*2 (S.D.N.Y. Apr. 8, 2020).

Accordingly, the motion is DENIED WITHOUT PREJUDICE to re-filing after the administrative exhaustion requirement has been satisfied.

Chambers will mail a copy of this Order to defendant at the following address:

Angel Luis Diaz  
Reg. No. 08441-069  
FCC Coleman Low  
P.O. Box 1031  
Coleman, FL 33521

Dated: June 4, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge